

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**CASE NO. 8:05CR245**

**Plaintiff,**

**vs.**

**CHARLES E. WIIG,**

**Defendant.**

**ORDER**

This matter is before the Court on the Defendant's Motion for Clarification or a

Nunc Pro Tunc Order, ECF No. 148. The Court has reviewed the Motion and the

accompanying Memorandum of Law, ECF No. 149, and Exhibits, ECF No. 150, and

concludes that the Motion is another successive motion for relief under 28 U.S.C. § 2255.

Rule 9 of the Rules Governing Section 2255 Proceedings provides: "Before presenting a second or successive motion, the moving party must obtain an order from the appropriate court of appeals authorizing the district court to consider the motion, as required by 28 U.S.C. § 2255, para. 8." The Defendant's successive § 2255 motion is denied for lack of an order from the Eighth Circuit allowing this Court to consider the motion.

**IT IS ORDERED:**

1. The Defendant's Motion for Clarification or a Nunc Pro Tunc Order, ECF No. 148, is construed as a successive motion under 28 U.S.C. § 2255 and is denied; and
2. The Clerk is directed to mail a copy of this order to the Defendant at his last known address.

DATED this 6<sup>th</sup> day of December, 2019.

BY THE COURT:

s/Laurie Smith Camp  
Senior United States District Judge